

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 15 was previously canceled.

New claim 16 has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-14 and 16 are now pending in this application.

Rejection under 35 U.S.C. § 103

Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,817,668 (hereafter "DeKraker et al.") in view of U.S. Patent No. 5,664,841 (hereafter "Dal Monte"). This rejection is respectfully traversed.

DeKraker et al. discloses a seat 20 that includes a back frame 30 and a back shell 31. See col. 11, lines 5-50, of DeKraker et al. However, as noted on page 3 of the Office Action, DeKraker et al. does not disclose or suggest a biasing member having a first end including rollers which operatively engage the back shell 31.

Dal Monte discloses a seat with supporting skeleton 52, padding 51, and a frame 7 that includes guide slots 11. See col. 4, lines 36-43; col. 6, lines 15-24, of Dal Monte. The guide slots 11 are pivoted to an auxiliary arm 14, which includes elongated side plates 15. See col. 4, lines 44-52, of Dal Monte. The side plates 15 are connected by a cross plate 16 and a cross bar 17, and ends of the side plates 15 carry a transverse shaft 18 that is rotatably and slidably mounted within a guide slot 19. See col. 4, lines 44-52, of Dal Monte.

The Office identifies the cross bar 17 and transverse shaft 18 as rollers on page 3 of the Office Action. However, Dal Monte does not disclose or suggest that the cross bar 17 rolls or otherwise acts as a roller. Furthermore, neither the cross bar 17 or the transverse shaft 18 are rollers that operatively engage a compliant back member. As shown in Figure 2 of Dal Monte, neither the cross bar 17 or the transverse shaft 18 engage the supporting skeleton 52 or the padding 51 of the back member of Dal Monte. Nor does Dal Monte disclose or suggest other seat components that function as rollers to align with and “operatively engage the compliant back member,” as recited in claim 1.

It would not have been obvious to one of ordinary skill in the art to modify the seat of DeKraaker et al. by the teachings of Dal Monte to provide the seat of claim 1. A basic requirement of a *prima facie* case of obviousness is that a prior art reference, or prior art references when combined, must teach or suggest all of the claim limitations. See M.P.E.P. §§ 2143, 2143.03. The combination of DeKraaker et al. and Dal Monte does not disclose or suggest all of the features recited in claim 1. Therefore, the combination of DeKraaker et al. and Dal Monte does not render claim 1 to be unpatentable.

For at least the reasons discussed above, withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

Applicant gratefully acknowledges the allowance of claims 13 and 14.

New Claim

New claim 16 has been added. Claim 16 depends from claim 1 and is allowable over the prior art for at least the reasons discussed above and for its respective additional recitations.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By



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